IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4685 OF 2005

Sandip Sadashiv Vanmore ...Applicant

Vs.

The State of Maharashtra ...Respondent

Shri. S.A. Ingawale for the Applicant.
Shri. R.Y. Mirza, A.P.P. for the Respondent.

CORAM : A.S.OKA, J.
DATED : JULY 26, 2005.

P.C.:

1. Heard learned Advocate for the Applicant and the learned A.P.P. for the State. The offence alleged against the Applicant and the co-accused is under section 302 read with section 34 of the Indian Penal Code.

2. F.I.R. is filed by the brother of the deceased. The said F.I.R. is filed by him on the basis of the information given by one Shankar Kamble and the F.I.R. records that according to the said Shankar Kamble unknown persons assaulted the deceased by a cement stone. On the same day the supplementary statement was recorded of the first informant on the basis of subsequent information given by the said Shankar Kamble in which the Applicant, co-accused Vijay and two others are implicated. In the statement of Shankar Kamble recorded on 22nd January, 2005, a specific role is ascribed to the Applicant. However, in a subsequent statement given by the said Shankar Kamble under section 164 of the Code of Criminal

Procedure, 1973 all that he has stated is that the Applicant was present and co-accused Vijay Narute assaulted the deceased by hiting him with a big concrete brick on his head. In the statement under section 164 of the said Code of 1973, no role has been ascribed to the Applicant in the actual assault on the deceased. Perusal of the Post Mortem Notes shows that there is only one grievous injury on the person of the deceased and all other injuries are in the nature of C.L.W. and abrassions.

3. All these factors make the involvement of the Applicant in actual assault on the deceased doubtful. A case is made out for grant of bail. Accordingly, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with C.R. No.07 of 2005 of Miraj Rural Police Station, subject to furnishing a personal bond of Rs.10,000/- with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that till the conclusion of trial, the Applicant will report to the concerned Police Station once in a week.

iii) The Bail is granted subject to condition that

the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in the above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE